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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087798,703	02/12/97	HICKMAN	P ENVSP024B

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LM01/0623

EXAMINER

LE, D

ART UNIT	PAPER NUMBER
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2785

4

DATE MAILED: 06/23/98

Please find below and/or attached an Office communication concerning this application or proceeding.

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UNITED STATES DEPARTMENT OF COMMERCE
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68/798,703

SERIAL NUMBER	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT

PAPER NUMBER

4

DATE MAILED:

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☒ Responsive to communication filed on 09/10/97 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire THREE(3) month(s), zero days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice of Draftsman's Patent Drawing Review, PTO-948. ^{Sub} |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449. | 4. <input type="checkbox"/> Notice of Informal Patent Application, PTO-152. |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474.. | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-19 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-19 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☒ This application has been filed with informal drawings under 37 C.F.R. 1.85 which are acceptable for examination purposes.
8. ☐ Formal drawings are required in response to this Office action.
9. ☒ The corrected or substitute drawings have been received on 2/12/97. Under 37 C.F.R. 1.84 these drawings are ☐ acceptable; ☒ not acceptable (see explanation or Notice of Draftsman's Patent Drawing Review, PTO-948).
10. ☐ The proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner; ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved; ☐ disapproved (see explanation).
12. ☐ Acknowledgement is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received ☐ been filed in parent application, serial no. _____; filed on _____.
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

EXAMINER'S ACTION

Art Unit: 2785

Part III DETAILED ACTION

Drawings

1. This application has been filed with informal drawings which are acceptable for examination purposes only. Formal drawings will be required when the application is allowed.

Specification

2. Claims 1-19 are presented for examination.

3. The numbering of claims is not accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered claims 1-20 have been renumbered 1-19.

Art Unit: 2785

4. The cross reference related to the application cited in the specification must be updated (i.e. on page 1, line 14, the Attorney Docket Number for this applications should be changed to U.S. Patent Application Serial Number).

5. Applicant is suggested to number the lines of each claim. The preferred format is to number each line of every claim, with each claim beginning with line 1. For ease of reference by both the Examiner and Applicant all future correspondence should include the recommended line numbering.

Claim Objections

3. Claims 8-19 are objected to because of the following informalities:

Misnumbered claim 8 has been renumbered as claim 7.

Misnumbered claim 9 has been renumbered as claim 8.

Misnumbered claim 10 has been renumbered as claim 9.

Misnumbered claim 10, line 2, "9" has been changed to --8--.

Misnumbered claim 11 has been renumbered as claim 10.

Misnumbered claim 11, line 2, "10" has been changed to --9--.

Art Unit: 2785

Misnumbered claim 12 has been renumbered as claim 11.

Misnumbered claim 12, line 2, "11" has been changed to --10--.

Misnumbered claim 13 has been renumbered as claim 12.

Misnumbered claim 14 has been renumbered as claim 13.

Misnumbered claim 14, line 1, "13" has been changed to --12--.

Misnumbered claim 15 has been renumbered as claim 14.

Misnumbered claim 15, line 1, "14" has been changed to --13--.

Misnumbered claim 16 has been renumbered as claim 15.

Misnumbered claim 16, line 1, "15" has been changed to --14--.

Misnumbered claim 17 has been renumbered as claim 16.

Misnumbered claim 17, line 1, "16" has been changed to --15--.

Misnumbered claim 18 has been renumbered as claim 17.

Misnumbered claim 18, line 2, "17" has been changed to --16--.

Misnumbered claim 19 has been renumbered as claim 18.

Misnumbered claim 19, line 2, "13" has been changed to --12--.

Misnumbered claim 20 has been renumbered as claim 19.

Art Unit: 2785

6. Claims 18 and 19 are objected to because of the following informalities:

As per claims 18 and 19, Applicant claims a computer readable media as shown on line 1. However, the claim is not structured to specifically associate the executable programs instructions with the functions being performed, such that there is no doubt that the instructions performing these functions are stored on the computer readable medium. Such an association will eliminate any possible ambiguities that may lead to possible 35 U.S.C 101 problems regarding computer programs. The examiner suggests that if the applicant is trying claim a product claim, the following example is suggest:

(A computer program product comprises a computer usable medium having computer readable program code embodied on said medium for ...having ..., said computer program product comprising: detection procedure code means ...)

Appropriate correction is required.

Claim Rejections - 35 USC § 103

Art Unit: 2785

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

8. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103© and potential 35 U.S.C. 102(f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2785

9. Claims¹⁻ 19 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Konrad (US Patent 5,696,901) in view of Blumer et al. (US Patent 5,732,219 hereafter referred to as Blumer).

9.1 As per claim 1:

Konrad substantially teaches the invention. Konrad teaches:

- a network [fig. 1, col. 25, lines 8-10];
- a client computer connected to a network [col. 25, line 7 and line 30] comprising:

- a monitor [col. 17, line 5];

- keyboard [col. 17, line 4];

- a host computer connected to a network [col. 25, line 6] comprising:

- image transmitting means [col. 15, lines 27-30].

Konrad does not explicitly teach:

- a browser program run on the client and host computers.

However, Konrad does disclose capability of:

- a desired utility client and a desired utility server run on the host and client computers [fig. 1, col. 25, lines 11-38].

Blumer explicitly discloses:

Art Unit: 2785

- a client/server computer system [col. 37, lines 2-5].
- a web browser program running on the client/server computer system [col. 10, lines 21-32].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the client/host systems having a human interface service [col. 12, lines 38-43] as disclosed by Konrad to include explicitly the web browser) as taught by Blumer in supporting the overall system communication access between remote user and the main host computer (i.e., data base server, other data computer system).

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the client/server computer system with a mechanism to enhance the system access, more specifically in allowing the remote computer or client to access the host computer to conducting task specific. That is by utilizing this approach,

first, client computer can easily view information on the server including performing realtime interaction via a browser function. That is information can be processed and stored between two computers via a networking environment such as an Internet [Blumer col. 2, line 51];

Art Unit: 2785

second, data can be secured within data storage for user assessment (i.e., only authorized user with a permitted authorization can accessed data to and from database or resource);

third, host or server computer can provide more power resources to the client computer in allowing the client computer to perform mass data process (i.e., the main host computer can be a supercomputer (Craig) and the client computer can by a PC or Unix computer systems.

9.2 As per claim 2:

Konrad explicitly teaches the use of an Internet protocol suite for the network [col. 7, lines 65-67];

Blumer also teaches:

- a network is an Internet-type network [col. 2, line 51].

9.3 As per claims 3-4:

Konrad explicitly teaches:

- displaying visual data via user interface service [col. 9, lines 29-40];
- motion picture data communication between the host and client computers [col. 15, lines 14-40].

Art Unit: 2785

Konrad does not explicitly teach:

- a web page accessible via the network.

However, Konrad does disclose capability of:

- a desired utility client and a desired utility server run on the host and client computers [fig. 1, col. 25, lines 11-38]

Blumer explicitly discloses:

- a client/server computer system [col. 37, lines 2-5].
- a web browser program running on the client/server computer system [col. 10, lines 21-32].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the client/host systems having a human interface service [col. 12, lines 38-43] as disclosed by Konrad to include explicitly the web browser as taught by Blumer in supporting the overall system communication access between remote user and the main host computer (i.e., data base server, other data computer system) for the same reasons set forth in paragraph 9.1, **supra**.

9.4 As per claim 5-6:

Art Unit: 2785

Konrad does not explicitly teach:

- a Java Applet program.

However, Konrad does disclose capability of:

- a desired utility client and a desired utility server run on the host and client computers [fig. 1, col. 25, lines 11-38].

Blumer explicitly discloses:

- a client/server computer system [col. 37, lines 2-5].
- a web browser program running on the client/server computer system [col. 10, lines 21-32].
- executable script program (**Java program**) [col. 2, lines 64-67 and col. 37, lines 16-36].

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the client/host systems having a human interface service [col. 12, lines 38-43] as disclosed by Konrad to include explicitly the script **program (i.e., Java program)** as taught by Blumer in allowing the client users to access the Internet information with high reliability and performance.

Art Unit: 2785

This modification would have been obvious because a person having ordinary skill in the art would have been motivated to do so to provide the client/server computer system with a mechanism to improve the system access, more specifically in allowing the remote computer or client to access the host computer to access Internet information with high fidelity. That is by utilizing this approach,

first, client computer can easily view Internet information on the server including performing realtime interaction via a browser function **with independent of client/server operating systems** [Blumer, col. 4, lines 42-58].

second, Internet information can easily be retrieved and can be processed very fast via the executable script program (i.e., Java).

9.5 As per claim 7:

Konrad explicitly teaches:

- a platform-independent of the host or server computer [col. 25, lines 27-29];
- client/server component and protocols of the Apple Macintosh, Sun , IBM operating systems [col. 24, lines 31-60].

Art Unit: 2785

Blumer explicitly discloses:

- a client/server computer system [col. 37, lines 2-5].
- a web browser program running on the client/server computer system [col. 10, lines 21-32].
- executable script program **(Java program)** [col. 2, lines 64-67 and col. 37, lines 16-36];
- documents accessed under MS-DOS, Microsoft Windows, and Apple Operating systems [col. 4, lines 42-57].

9.6 As per claim 8:

Blumer explicitly discloses:

- a client/server computer system [col. 37, lines 2-5].
- passwords and user names defined within the clients/server environment [col. 13, lines 19-25].

9.7 As per claims 9-11:

- a network [fig. 1, col. 25, lines 8-10];
- a client computer connected to a network [col. 25, line 7 and line 30] comprising:
 - a monitor [col. 17, line 5];
 - keyboard [col. 17, line 4];

Art Unit: 2785

- a host computer connected to a network [col. 25, line 6]
comprising:

-- image transmitting means [col. 15, lines 27-30].

- displaying visual data via user interface service [col..
9, lines 29-40].

Blumer explicitly discloses:

- a client/server computer system [col. 37, lines 2-5].
- a web browser program running on the client/server
computer system [col. 10, lines 21-32].

9.8 As per claims 12-18:

Due to the similarity of claims 12-18 to claims 1-11 except for a method steps for remotely controlling a host computer (i.e., providing a client program, receiving from host computer, detecting changes, etc.) instead of an apparatus for remotely controlling a computer over a network (i.e., running a client program, transmitting imaging, updating client computer); therefore, these claims also rejected under the same rationale applied against claims 1-11. **In addition, all of the limitations have been noted in the rejection as per claims 1-11.**

Art Unit: 2785

9.9 As per claim 19:

Due to the similarity of claim 19 to claim 1 except for a method steps for controlling a computer over a network (i.e., coupling a client to the network, coupling a server to a network, etc.) instead of an apparatus for remotely controlling a computer over a network (i.e., coupling a client to the network, coupling a server to a network, etc.); therefore, this claim is also rejected under the same rationale applied against claim 1. **In addition, all of the limitations have been noted in the rejection as per claim 1.**

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11. A shortened statutory period for response to this action is set to expired THREE (3) months, ZERO days from the date of this letter. Failure to respond within the period for response will cause the application to be abandoned. 35 U.S.C. 133.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dieu-Minh

Art Unit: 2785

Le whose telephone number is (703) 305-9408. The examiner can normally be reached on Monday-Thursday from 6:30 AM to 4:00 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Beausoliel, can be reached on (703)305-9713. The fax phone number for this Group is (703) 305-9724.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231


or faxed to:

(703) 308-9051, (for formal communications
intended for entry)

Or:

(703) 305-9724 (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,
Arlington, VA., Sixth Floor (Receptionist).


DIEU-MINH THAI LE
PATENT EXAMINER
ART UNIT 2785

DML
June 08, 1998